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RUTLAND MURDER MYSTERY

1874

Reported by *Rutland Daily Globe*



MRS. ANN E. FREESE.

THE VICTIM

This portrait of Mrs. Ann E. Freese is an engraving from a photograph.

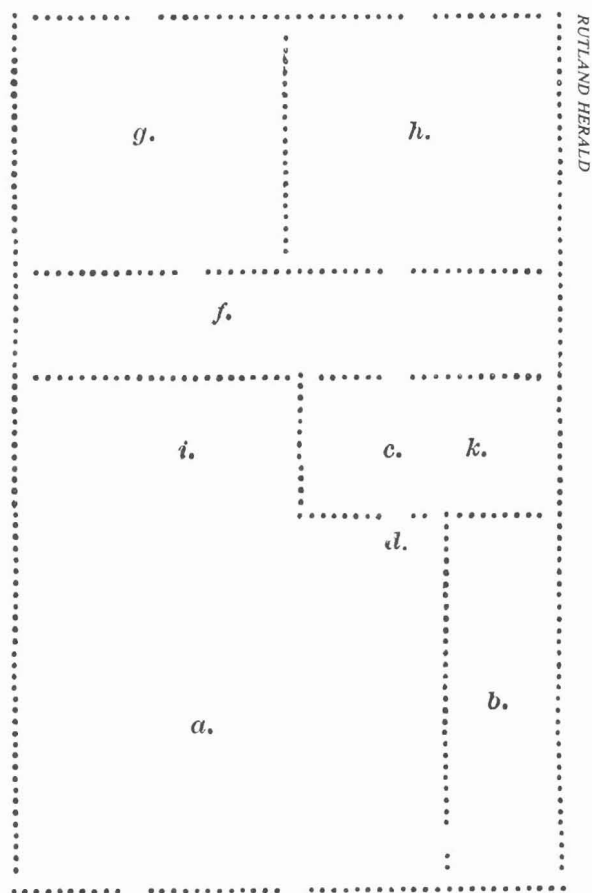
THE ACCUSED

This portrait of John P. Phair is an engraving from a photograph taken while he was in the hands of the law officers of Rutland.



JOHN P. PHAIR.

Below is a sketch showing the position of the rooms and bed of the murdered woman in the second story of the house:



- | | |
|--|-------------------------------|
| <i>a.</i> — Large bed-room. | <i>d.</i> — Entrance to room |
| <i>i.</i> — Recess occupied by bed. | <i>c.</i> — Upper landing. |
| <i>b.</i> — Wine Closet | <i>k.</i> — Stairs from below |
| <i>f., g. and h.</i> — Smaller bed-rooms and store-room. | |

EDITOR'S NOTE: This issue of the Rutland Historical Society Quarterly presents an edited version of one of Rutland's most gruesome crimes. Its primary source is the *Rutland Daily Globe*. Although the text has been highly edited for ease in reading by today's reader, there has been a strong attempt to retain the verbiage and flavor of the 19th century.

The total liabilities of the crime to Rutland, in excess of its resources, was \$93,495. Said the *Herald*: "This enormous burden is one of the most terrible legacies of the flush times that included and outlasted the Civil War."

The editors for this issue of the Quarterly are Jim and Helen Davidson, life members of the Rutland Historical Society.

Rutland Murder Mystery

1874

Daily Globe Report

Edited by James and Helen Davidson

Wednesday 10 June 1874

The people of Rutland were thrown into a state of great and unusual excitement early Tuesday morning by the discovery of a bloodthirsty and criminal deed such as was never before perpetrated in this section. The crime is not only one of the most revolting to contemplate, but its details are sickening in the extreme.

At the hour of 6:45 a.m. the fire alarm was sounded by the whistle at the railroad shops and a majority of the residents in the vicinity of the depot were partly aroused. The signal, however, was not continued and but few people, comparatively, were seen upon the street. The location of the fire was easily to be seen from different parts of the village and the flames were already rapidly devouring a small house in that portion of the town known as the "swamp"—at the extreme southwestern part of the village limits. The fire department was quickly aroused in good numbers, but upon arriving at the engine rooms could plainly observe that the alarm was too late for their assistance and most of them returned home.

But, while so little stir was being made in that quarter, a different scene, more exciting and startling, was transpiring at the burning building. In referring to the first appearance of the flames or smoke it will be well to give some accounts made by the parties who reside in the immediate locality and who were the first to discover the existence of the fire.

The building was a two-story frame painted white, which was situated at No. 92 Forest Street. It was owned and occupied by Mrs. Ann Freese, a widow, whose character was not of the best. The first to discover the fire was the next door neighbor, a Frenchman, who resides at No. 90. Arising early that morning he noticed, on looking outdoors, a small cloud of smoke which he thought proceeded from the chimney of Mrs. Freese's house. Very soon after, his neighbor just opposite discovered the fact that said building was on fire. He immediately gave the warning to the Frenchman, and the two rushed to the scene. The house-top was then steaming with the light blue cloud of smoke. The ditch in front of the house was full of water, and the men, armed with buckets, endeavored to quench the flames.

The fire was entirely confined to the second story of the home, as they soon discovered. The front door was locked, every blind in the house was closed and an air of perfect quiet pervaded the building. The stillness seemed even oppressive, coupled as it was with the blue smoke which was slowly rising from the roof. Before 6:30 a.m. the men were reinforced by the arrival of Mr. Edward Hilliard, whose parents reside some little distance on the same street.

Going around to the rear of the house the trio found the back door wide open, and through that they gained access to the doomed building. No smoke was to be seen on the first floor. The men entered a bedroom which adjoins the kitchen, and in which Mrs. Freese was supposed to be, and found it unoccupied. From this they readily inferred that she was away, while every appearance of the house, both inside and out, strengthened their supposition.

Other parties arriving, an attempt was made to reach the flames. Ascending the stairs, it was found that the front room at the head of the staircase was locked, while smoke was beginning to issue from that room. Before an axe could be brought with which to break in the door, the smoke became so suffocating as to preclude the possibility of anyone going up the stairs. All that was possible to be done was to attempt an entrance into the room from the outside.

Two men, therefore, procured each a ladder and climbed up to the windows. Opening the blinds, the smoke was seen to be fearfully black and dense within, almost precluding any survey of the room, whatever. Soon, however, one of the men cries out that he thinks somebody is on the bed in the room! The window is opened, when like a mighty wave the lurid flames leap out of the smoke, and in an instant the room is in a blaze.

Meanwhile the furniture, carpets, stoves and everything movable on the first floor are being saved from the flames, and it is none too soon, as the flames are fast enveloping the entire structure.

Thinking that there is a possibility of the suspicion mentioned proving true, yet dreading its fearful reality, the crowd, which has by this time become larger every moment, watches that portion of the building where it is thought the bed must be located. They await, with dread suspense and bated breath, the falling of the building.

Soon the structure walls begin to topple; with a muffled sound the building gives way. To the horror of the spectators, who are watching that portion, the floor gives way, a part of a bed comes down with it and the head and trunk of a human being are revealed!

The ghastly and blackened remains drop into the ruins, and as the crowd gathers around it, a sickening spectacle is presented to their eyes. The arms and lower limbs are entirely destroyed, while the head and trunk remain. A door is brought and the remains are taken to a convenient distance from the ruins for examination.

Drs. John A. Mead and Charles L. Allen soon arrive with several village officials, Hon. Martin G. Everts, judge of the municipal court, Franklin Billings, Esq., and others, for the purpose of holding a post mortem examination over the remains.¹

¹Franklin Billings was 1st Selectman of the Town of Rutland. He resided on Park Street near the railroad track.

The result of their examination demonstrated to a certainty that a murder had been committed and that the person murdered was Mrs. Ann Freese.

The victim of this terrible crime was the widow of Alvin Freese and the daughter of Mrs. Davis, who resides in the village.² She was 47 years of age at the time of her death. She was married some seventeen years ago in Lowell, Mass., while at work in a factory there. She removed with her husband soon after to Michigan, where they resided for eight years. They then returned to Rutland, and Mr. Freese was employed for a time as porter to the Central House, when that hostelry was under the administration of Stimson.³ Mr. Freese died in 1868 of consumption.

Three years ago his widow built the dwelling which was burned Tuesday morning, and has lived there ever since. The house cost some one thousand dollars, and it was furnished in good and even elegant style.

It is known, and has been for some time in this village, that Mrs. Freese carried a large sum of money with her, while she had upon her person always a good amount of valuable jewelry. It is known to the victim's mother that she had a gold watch worth \$150, with silver and jewelry to the value of some \$500 in the house at the time of the deed, all of which she usually kept upstairs, in the room where she met her death. This fact shows good foundation for the belief that plunder was the object of the murder, that the perpetrator accomplished his hellish purposes of murder and robbery and then sought to cover up all traces of his crimes by adding the crime of arson to his still blacker deeds. Had the destroying flames done their completest work with the body of the unfortunate victim, such attempt would have been successful, and it is quite probable no one would have suspected that a foul murder had been committed. But, fortunately, for justice's sake, the bloody work of the murderer's knife is traced by the surgeon's eye, even though it be scarcely discernable in its ghastly and blackened form.

We learn from reliable authority that Mr. Hitchcock of Pittsford, who brings milk to Rutland every morning, while on his daily round accompanied by his son that morning, had occasion to stop just in front of the house of Mrs. Freese, about five o'clock. As he sat near the house waiting for his son to come up, he heard the sound of voices proceeding from the house in angry and excited tones as of two persons quarreling.

He thought that he distinguished the voices to belong to women, both of them, and at the time thought it very strange that a quarrel should take place there so early in the morning. This is an interesting clue, but we think Mr. Hitchcock might have possibly been mistaken in thinking them to be voices of two women. Yet the neighbors, we understand, affirm that another woman has been staying at the house of late, although they have not seen her for a day or two.

One of the neighbor's wives states that a "tall young chap" from New York has been at the house for a week preceding the fatal morning. The last seen of

²Mrs. Catherine Davis resided at 12 Elm Street.

³The Central House was located at the corner of Merchants Row and Evelyn Street.

Mrs. Freese, by anyone heard from, was at the depot at about eleven o'clock on Monday night. None of the neighbors saw her return.

Among the many rumors afloat in town is one to the effect that three men were inquiring their way to Mrs. Freese's house late Monday night. They were known to have started for that locality, also that these men were identified as being with the circus company here on Saturday and that three men were discharged from the circus at Brandon on Monday. This is a very plausible story, and most of it is perfectly creditable.

Three different individuals have been stopping in town for several days, who were strangers to the community, and who have disappeared since Monday night. Two of these individuals were carried to Mrs. Freese's on Saturday night, and were seen at the Berwick House on Sunday. The other chap, who was a suspicious character, is said to have taken the train for Boston on Monday night.

A story was circulated on Tuesday that Peter Lavigne, the hackman, took a man to the house of Mrs. Freese Monday night, but Peter says he has carried no one there for two weeks. Scores of stories are circulated, but the paper has failed to hear of any as yet, which will lead to any clue of the guilty party or parties.

The building was insured for \$700 by the Vermont Mutual Fire Insurance Company of Montpelier, with \$100 also on the furniture, placed with Henry W. Porter, the agent here. Much of the furniture was saved, while the more valuable portion of the building was destroyed.

An inquest will be held by Judge Everts this morning at the Town Hall, beginning at 10:00 a.m., when it is to be hoped some clue, slight though it may be, will be found which will eventually lead to the detection of the murderer.⁴

Thursday 11 June 1874

The excitement occasioned by the terrible affair which occurred on Tuesday morning in this village has not, by any means subsided, and will not until the perpetrators of the crime are brought to justice. Steps are being taken to bring about such a consummation as early as possible and in the speediest manner. Although, at this writing, there is hardly the shadow of a clue which will lead to the apprehension of the guilty parties, yet the officers who have taken the case into their hands will not let slip the faintest shade of suspicion which is worthy of being followed up. The large reward offered by the selectmen of the town will undoubtedly call out some of the best detective talent in the country who have repeatedly ferreted-out criminals in many a case more difficult to follow than this. The entire community, too, is awakened and very man in town seems eager to bring the criminal(s) to justice.

At 10 a.m. on Wednesday morning Hon. Martin G. Everts commenced an investigation at his office, at which were also assembled the selectmen of Rutland

⁴Martin G. Everts was the judge of Rutland Municipal Court. His office was at No. 8 in the Rutland Savings Bank Building, also known as the Morse or Bank Block.

and other town and village authorities. Only one witness was examined, as it was deemed necessary before the calling of many witnesses, to make a thorough examination of the ruins for the purpose of ascertaining, as far as possible by that means, whether the robbery of money and jewelry was really committed, as was supposed. The theory that, should there be found in the ruins evidences that the jewelry was left in the burning building, a strong supposition would prevail that the deceased woman came to her death by her own hand.

The physicians who made the post-mortem examination of the remains, on the other hand, state that from the nature of the wounds inflicted, they could not have been made by herself, as two of the blows which were dealt with a sharp instrument, were inflicted with so much force that the instrument made quite deep indentations into the bone—showing conclusively, to their minds, that suicide did not take place.

The witness examined was Mr. W. W. Steele, who resides near the scene of the fire and who arrived soon after the fire broke out, although not until after two or three others had arrived. His testimony developed nothing concerning the fire from what was given in the last issue of *The Globe*.

At about 2 p.m. a thorough and searching examination was made of the ruins of the burned building, under the direction of Franklin Billings, Esq., overseer of the poor and first selectman, who has been especially active in the investigations made, while Judge Everts, States Attorney Ormsbee of Brandon, Deputy Sheriff Perkins, Warren H. Smith, Esq., and several others were on the spot during the examination and materially assisted in the search.⁵

But little was found of any value and the universal belief was strengthened that the valuables, which must have been in the house, were taken before the burning took place. Five forks, having the appearance of solid silver, were dug out, welded together by the heat, and but little melted. The melted remains of what was evidently a gold-lined drinking cup, a few one cent pieces, and other bits of different kinds of metal were picked out, which had survived the severe test of the fire.

At the meeting of the morning the selectmen—Franklin Billings, John A. Sheldon and Henry Hayward—decided to offer a reward for the apprehension of the murder or murderers and fixed the sum to be offered at \$1,000. It was finally decided in the afternoon that the sum was not large enough and it was, therefore, made \$2,500. This is a liberal offer and we only hope, as does every public-spirited citizen, that some officer or other person will earn it.

On Saturday night before the murder three men applied at the livery stable for a team to carry them to the house of Mrs. Freese. Mr. Richardson sent a man down with them, which was the last seen of them by him.⁶ The three were the same mentioned in the news columns yesterday as being at the Berwick House.

⁵Warren H. Smith was a Rutland lawyer with an office in the Morse Block.

⁶It is not clear whether this was George or C. F. Richardson. Both had livery stables, George at 4 Wales Street and C. F. at 24 Center Street.

On this clue a detective named McLaughlin and Mr. A. C. Blaisdell of Rutland went to Burlington Tuesday, and the result is that one man . . . has been arrested by the detective on suspicion of being one of the three who were here on Sunday, and Mr. Richardson was desired at Burlington to identify the prisoner.⁷ By some delay Mr. Richardson was not apprised of the nature of the telegram until too late to go on the 2 p.m. train, and so telegraphed Blaisdell that he would come to Burlington . . . as soon as possible. It is thought by the officers here that the detective and Blaisdell are on the wrong trail, and that the party arrested by them is wholly innocent. It will undoubtedly be fully determined before another day whether the arrested party was in town on Monday or not.

The remains of the victim of the murder, which have been lying at the residence of her mother, Mrs. Davis, on Elm Street, were buried on Wednesday afternoon. The authorities commissioned Mr. C. F. Richardson to attend to the proper burial of the body. The funeral took place from the house of Mrs. Davis at about 6:30 p.m. Word had been sent to Rev. Dr. Harris, rector of Trinity Church, who was in attendance upon the Diocesan convention at Poultney, asking him to officiate. His duties at the convention forbid his leaving and he sent his brother, Rev. C. C. Harris of Brattleboro, who offered prayer. Messers. C. F. Richardson, J. Murray, Benjamin Merritt and Edward Kelley acted as pallbearers, and the remains were interred in West Street cemetery.⁸

It was reported during last evening that some of the clergy had refused to attend the funeral, but such was not the case, as no one was called upon except Dr. Harris, who would have attended if he had been in town. There was some little difficulty in obtaining bearers, but a Christian burial was provided through the earnest efforts of Mr. Richardson.

Further testimony may possibly be taken in regard to the affair by Judge Everts, but the verdict of the people is that a violent and willful murder has been committed, and the authorities cannot but be satisfied that such is the case.

Since writing the above an important arrest has been made. On the arrival of the train from Boston at 1:45 a.m., Chief of Police Crawford alighted with a prisoner named John P. Phair, whom he had arrested on the train, as being the suspected murderer of Mrs. Freese. Phair had been in town some days previous to Monday, stopping at the Berwick House. On Monday, the day before the murder was discovered, he disappeared, leaving his baggage at the hotel. The officers have had their eyes open for him ever since, it appears, and last night Chief of Police Crawford and Policeman Matthews went down to Cuttingsville, where they boarded the Boston train on its arrival there, and promptly secured their prisoner. They brought him into town handcuffed and took him to jail for safe-keeping after a brief stop at the Berwick to enable the prisoner to claim his luggage. It appears he was with Mrs. Freese at the circus here on Saturday night.

⁷Mr. McLaughlin was a detective for the Barnum Circus which was in the area at this time.

⁸John Murray was a carpenter living at 21 Elm Street; Benjamin Merritt, a contractor living at 1 Elm Street; Edward Kelley, a fireman at the Depot who lived at 114 West Street.

Phair is a machinist by trade, a native of Vergennes, Vt., and has lately worked for Mansfield & Stimson.⁹ Whether the arrest will tend to shorten the search for the real criminal will best be known in the future, but sanguine expectations are entertained that Phair knows something about the crime and its perpetration.

Friday 12 June 1874

Yesterday afternoon at the jail, a representative of *The Globe* called on the prisoner, John P. Phair, who was arrested Thursday morning as a suspect in the murder of Mrs. Freese. He obtained a full statement from Phair's own lips, which we give below in his own words:

Sometime last week Mrs. Freese spoke to me concerning the circus, and asked me if I was going. I told her I was, and asked her if she was going. She said she should like to go, but no one would go with her on account of her reputation. I said, 'I had just as lief go with you as not,' and told her I would come after her Saturday night at 7:30 p.m. I done so. After we were seated in the circus it began to rain. I had an umbrella with me, and there were two Berwick House table girls in front of me. The tent leaked upon them and I told them to come and sit with us under the umbrella. They done so.

After the circus was over I walked home with Mrs. Freese, went in and sat down a few minutes and then said I must go. She wanted me to stay longer, but I said no, that I had got to get up early next morning. Shortly after, the bell rang. She went to the door and found three of her friends from Bellows Falls. She asked me if she should let them in. I said, let them into another room and I would go home after they came in. I then came to the Berwick House and went to my room to bed, got up Sunday noon to dinner. In the afternoon I went with my friend Barnard to West Rutland. I stayed there till 5 p.m. and then came back to the Berwick House. I said to Barnard, the best thing I could do was to go to bed. He said it was too early, but I told him I was tired out and wanted to get up in good season. I then went to my room and played on the harmonica. One of the girls came and requested me to come out in the hall and play for them. I went out and joined a group of six or eight, played a few pieces, and also on the accordion, until 9:30 p.m. I then retired for the night. Monday morning I took the accommodation train for Brandon to the circus.¹⁰ I took dinner and supper at the Brandon House, and took the night express for Rutland. On reaching here I went straight to the Berwick House and my room. I slept till 4 a.m.; then got up, dressed myself, took what traveling necessities I wanted in a reticule with my umbrella, and came down stairs to the office.¹¹ I found the porter fast asleep in a big armchair, together with two or three strangers. I did not disturb them, but met at the door a brakeman named Preston with a dinner-pail in his hand and walked with him to the depot. Right after that I had a conversation with a baggage master on the Rensselaer and Saratoga

⁹Mansfield & Stimson had a machine shop at the north end of the railroad yard.

¹⁰An accommodation train was a special run to some event to "accommodate" the public.

¹¹A reticule is a small handbag.

Railroad. I took breakfast at the restaurant with him and the conductor of the 4:40 a.m. train. I went through to Boston, riding part of the way in the baggage car with Preston, the brakeman. I arrived in Boston at 2 p.m. and went from the Fitchburg depot to the Providence depot, where I waited until the 5:30 p.m. train for Providence. I stayed in Providence over night. I took meals at a restaurant and lodged at a lodging-house near the depot. I left there in the morning for Boston. I took the 5:30 p.m. train from Boston that afternoon for Rutland, and was arrested at Cuttingsville by Officer Crawford.

The prisoner further stated that he was at work for Mansfield & Stimson, where his tool-chest was now. He had boarded at the Berwick House for the past eight weeks.

Phair was taken downtown yesterday afternoon and his picture taken to send to different localities for the purpose of ascertaining if he was seen by certain parties during his absence from Rutland.

Policeman N. S. Stearns on Wednesday went to Vergennes and saw Mrs. Phair, the mother of the prisoner, from whom the officer obtained a photograph of Phair. The picture taken yesterday shows him as he was while absent from town.

Phair has retained the legal services of ex-Gov. Stewart of Middlebury, and Judge Dunton of Rutland, he informs us. His examination will take place today, although the hour is not positively fixed.¹²

Policeman Stearns and J. C. Thornton go to Boston today to secure testimony concerning the visit of Phair to that city on Tuesday.¹³

The man arrested at Burlington on suspicion of being implicated in the murder, and whose name was Foy, was discharged yesterday morning, there being no evidence sufficient to warrant detaining him in jail.¹⁴

Saturday 13 June 1874

The prisoner, John P. Phair, was on Friday brought before Justice H. W. Porter and his examination, on the charge of the murder of Mrs. Freese, was set for Tuesday next at 9 a.m.¹⁵ Hon. M. G. Everts appeared as prosecuting attorney. The postponement is made for the purpose of securing more evidence concerning the prisoner's case than has yet been satisfactorily obtained, and it is confidently hoped that, before the hour of examination comes, some proof may be had upon which the prisoner can either be held or discharged. Phair appears perfectly cool and self-possessed as he has ever since his arrest and seems willing to let the matter be thoroughly sifted and to await the time fixed.

¹²Walter C. Dunton of Dunton and Veazey, lawyers

¹³J. C. Thornton was a deputy sheriff.

¹⁴See page 68 for details about Foy, his arrest and release.

¹⁵Henry W. Porter, a general insurance agent, was also a Justice of the Peace.

There are several very peculiar circumstances connected with the absence of the prisoner from town on Monday and Tuesday which are very interesting to the public and there is no reason why they should not be detailed.

A certain printer now in town got on the train at Fitchburg. Knowing Phair, he entered into conversation with him. During the talk, the printer mentioned the murder of Mrs. Freese, at which Phair expressed his astonishment. He said he had heard nothing of it. The printer then showed Phair a paper containing an account of the affair. Before reaching Cuttingsville the two separated, and at that place Chief of Police Crawford boarded the train and secured Phair. The officer at the same time informed him of the charge against him. Phair then expressed the upmost surprise at the murder, saying he had not heard of it before. The fact that the printer had told Phair came to the knowledge of the officers that night.

It will be remembered that on Thursday a razor blade was found in the ruins of the burned building, blackened by the heat, but easily identified as a razor. It is known at the Berwick House that Phair was in the habit of shaving himself in his room there. The officers have found in the room shaving utensils and an empty razor case, but no razor is to be found among his effects anywhere.

Policeman Matthews has found a key with evident marks of blood upon it, near the scene of the burned building. It is claimed by parties who are acquainted with the house that the key belongs to one of the doors on the first floor of the house.

Despite these facts and rumors noted, nothing has been found which tends to convict the prisoner and give evidence that his statement is not correct. To be sure, it is asserted on reliable authority that Phair did not stay at the Berwick House on Monday night, as he states that he did, and that the room which he occupied previous to that was not slept in at all that night. This may well be considered important testimony, bearing strongly against the veracity of the prisoner, at least.

Mr. Blaisdell, who went to Burlington with McLaughlin, the detective for Barnum, and arrested the man Foy, returned to Rutland Friday. Although his prisoner was discharged, on account of insufficient evidence to hold him, Mr. Blaisdell still thinks Mr. Foy knew something of the murder. It appears that Foy is a follower of the circus in the capacity of a candy and lemonade peddler. He was formerly employed by O'Brien's circus and was discharged recently for theft, being known by the circus managers as a notorious thief, and they are evidently anxious to get rid of him. This may account for the interest taken by McLaughlin in his detention at Burlington. As soon as he was discharged, he started with his old horse and cart for Richmond, where the circus exhibited Thursday.

It is a fact worthy of note that the country hereabouts is being well-scoured by men of all classes for suspicious persons or for any further clue to the guilt of the parties arrested, and, for this reason, the true facts of the case are liable to be brought to light ere many days. The liberal reward offered by the town authorities has been a strong incentive to action in the matter.

Policeman Stearns who went to Boston yesterday morning for the purpose of ascertaining the truth of Phair's statement in regard to his visit there, and anything else which may be of service in the forthcoming examination of the prisoner, telegraphed to Rutland yesterday for a description of the watch owned by Mrs. Freese. Messrs. Marshall & Cady, who had repaired it for the deceased, furnished the officer with the desired information.¹⁶ The watch was a Swiss make, manufactured by Vacheon Freres, No. 56,376, in a handsome gold case.

Monday 15 June 1874

The universal interest which has been taken and the excitement which has been manifested by our citizens over the murder of Mrs. Freese, and the arrest of the alleged murderer, received a strong addition, on Saturday night last, by the arrival of Policeman N. S. Stearns and Deputy J. C. Thornton from Boston. As was announced in *The Globe* of Saturday morning, those gentlemen had been sent to the city for the purpose of following the tracks John P. Phair made since the time the murder was discovered. Much was expected, by those who were the most cognizant of the details of the case, from this visit to Boston, and considerable importance attached to the discoveries made by them there. The statements made by the prisoner, and published in *The Globe* the next day after his arrest, were of such a nature that it was absolutely necessary to ascertain if they were true, and for what purpose all this travel was made by him. The consummate coolness with which Phair had carried himself throughout his arrest and incarceration, the smoothness with which his statements were told, and the positiveness and precision with which they were clung to, warranted a thorough and vigorous investigation on the part of the officers of the law, and gave much ground, as well, for considerable belief in his innocence on the part of the public. The officers, however, who were instrumental in his arrest, and those who have since distinguished themselves by following up the case so promptly and so well, were and have been firmly impressed with the conviction that they had the real criminal and were on the right trail that would lead to his conviction. This belief seems, in all human probability, to be correct, so far as the strongest circumstantial evidence can make it, as the reader will doubtless observe by the facts as stated in the foregoing.

Messrs. Thornton and Stearns arrived in Boston about 2 p.m. Friday on their errand of investigation and discovery. As soon as possible thereafter, they put themselves into personal communication with Mr. E. H. Savage, the chief of police of Boston. To him they unfolded their case and their business and solicited his aid. This was speedily granted. The officers also telegraphed to Rutland for the description of the watch owned and carried by the murdered woman in her lifetime. This information could not be obtained before the officers left on Friday, but was to be sent them when and where they telegraphed for it. This was sent to Messrs. Stearns and Thornton, verifying the description that the watch was

¹⁶Marshall and Cady operated a jewelry store at 1 Merchants Row.

of Swiss make, manufactured by Vacheon Freres, numbered 56,376, put up in handsome gold case.

Nothing could be done by the Chief of Police in Boston until the next morning (Saturday). On that morning Savage detailed Policeman Gould to aid them in their search through the city. Gould, it appears, was specially employed to hunt up goods in the different pawnshops in the city, and this was the business wanted. It was thought necessary in the first place to find out if the watch or any other articles which the murderer would probably carry away with him, had been pawned. The trio started out on their search at about 7 a.m. Saturday, knowing that a seemingly almost endless job must be accomplished. But there was a resolute and determined effort to perform it with the minutest thoroughness. There are some two hundred and eighty pawnbrokers' shops in the city. All were known to Officer Gould, and all must be visited, if not successful before the last was reached. At about 11 a.m. they came to the pawn shop of Mr. Abrahams at No. 18 Salem Street. This was about the sixtieth shop of the kind visited by them that morning.

Mr. Abrahams was in and to the inquiry if there had been any watches left there during the week, replied that there had. He was asked for further information and gave it. On Tuesday at about 3 p.m., he said, a man came in and said he wished to pawn his watch and chain. He and his sister were in town, stopping at the Adams House and he was "dead broke" and must have some money. He wanted \$40 on the watch. The broker offered him \$30, and finally split the difference, giving \$35, and taking the watch, chain and case. The man further gave his name, as being "E. F. Smith of St. Albans, Vt." The broker then went on and described the man minutely, his features and appearance, and showing some clothing of his own which he said was similar to that worn by the man Smith. This description answered to the person of Phair, the prisoner, and after all this was given, the officers then showed the broker the picture of Phair taken on Thursday before, which he identified at once as being a perfect likeness of the man who called himself Smith. This proof was almost staggering in its convincing force, and as the watch was the identical one owned by the murdered woman it was taken in charge and one link in the important chain of evidence was found.

The officers went to the Adams House for further investigations and there they were also successful. They found registered on Tuesday the name of "E. F. Smith, St. Albans, Vt." The clerk was interrogated with regard to the man and at first could remember but little about him but on thinking further, remembered that he was the same man in whose room was found a shawl, the next day after he had left. This shawl was produced and was at a glance identified as the same which Mrs. Freese had worn on the streets in Rutland. The clerk recollected something of the man and that the room, which he occupied, was one in which they never put a lady. The circumstance of finding the shawl was, therefore, rather surprising. The picture of Phair was shown to the clerk who recollected the features as that of the man Smith but thought the complexion a trifle too dark. The shawl was found in the top of a wardrobe which stood in the room; it is a black Paisley shawl, with colored border. Half of it was known to have been given to Dora

Wilson of Vergennes who boarded with Mrs. Freese some weeks before her decease.

Armed with these proofs, which they had gone to secure, the officers returned to Rutland Saturday night, bringing with them the pawnbroker, Abrahams, for a wise purpose, as will be seen further on. Sunday morning Messrs. Thornton and Stearns visited the jail, first apprising Judge Everts, the prosecuting attorney for the state, and Judge Dunton, one of the prisoner's counsels, of the result of their visit in Boston. At about 7 a.m., together with Abrahams, they went to the jail. Arriving at the cell door, Mr. Abrahams was "committed" to jail like a criminal. In the jail were all the prisoners together, and on the instant of his stepping behind the bars and grates, Abrahams spotted his man, identifying the prisoner, Phair, as the man who had pawned the watch at his shop on Tuesday, and who gave his name as E. F. Smith.

The scene at the jail was one of decided interest. The prisoners were aroused, some of them from their slumbers, to receive the newcomer. Abrahams said he had seen that man before, pointing to Phair. Phair asked "where?" Abrahams replied, "At my store, No. 18 Salem street, Boston." Phair replied, "You are mistaken, I was never there."

The prisoner was then taken out and, in the presence of his counsel and the officers, was questioned by Judge Everts in relation to these proofs against him. He stoutly denied that he ever saw Abrahams before. He says that he was not at the Adams House during his stay in Boston, neither had he the watch or shawl there. He had seen Mrs. Freese have a similar shawl and also a watch like the one found. He was asked for what purpose he took the journey to Providence, and replied that he went there to hire out to the Providence Screw company, as his work at Mansfield & Stimson's was too hard for him. He ascertained in Providence that the company had discharged their best men, were working on short time and so did not apply. He said he rode from the Fitchburg depot to the Providence depot with Conductor Steward of the Rutland and Burlington Railroad who had with him his wife and two children. He was then asked about his razor. Said he had no razor at present, that he formerly used one but had not done so of late. He did not know whether his razor-strop was in his trunk or not. He said he had had money all the while, had never been out of it so, but what he could go away when he liked. He borrowed \$20 of the "apple tree" man last part of May. He was asked a good many questions and many of his statements did not agree with others he had formerly made. He said he was going to stop off at Rutland on the night of the arrest and intended going the next day to Vergennes where his mother resided and expected to go from there to Elizabethtown, N.Y., to do some business for his mother. He was asked where he stopped while in Providence, and replied at a boarding house. He was also asked whether it was kept by a man or a woman. He replied by a man, as he had got through stopping with boarding mistresses. There were a number of boarders in the house. He said, also, that he paid \$3.25 fare to and from Boston and Providence. Mr. Abrahams states that the fare between the points is but \$1.60.

The officers then asked Phair to write his name. To this he complied, writing in a bold and handsome hand. They then asked him to write "E. F. Smith" under it. To this he hesitated, but finally wrote it, showing an evident inclination to pen it in a different hand. Despite that, however, Messrs. Thornton and Stearns at once affirmed that the handwriting was the one and the same in which was registered the name of E. F. Smith at the Adams House.

In regard to Phair's statement as to riding with Conductor Stewart, the latter gentleman states that he remembers of riding to and from the points named with a man whom he could not now identify. This statement of Phair is doubtless true.

During this conversation and interrogation the prisoner seemed perfectly collected and to all outward appearances, perfectly cool—even defiant. He is, nevertheless, a changed man from what he was when first incarcerated. He looked haggard and worn by confinement, and the last few days have told upon his appearance and actions.

Sunday morning after the interrogations by Judge Everts, Phair was taken by Sheriff Field and placed in close and solitary confinement in the dungeon where was confined years ago the murderer Anthony.¹⁷ Here he will have the freedom of the dungeon cell alone, until taken up for his examination on Tuesday next.

The examination is set for that day at 9 a.m. Ex-Gov. Stewart of Middlebury and Judge W. C. Dunton are expected to appear as his counsel, with Judge Everts as the prosecuting attorney. Whether an examination will be had at that time, or whether the prisoner will waive it, is a moot question. In the latter case he will be committed to jail without bail to await the action of the grand jury at the September term of the county court.

The prisoner is a former resident of Vergennes, in which city he was brought up as a boy and where his mother and sisters now reside. He is now about twenty-eight years of age and his career from a boy has been one of events, which are particularly striking just at this time. He developed a remarkable tendency at a very early age to lead a life of wayward recklessness. When about fourteen years old he came near murdering an old man known as Capt. Hall who lived in Vergennes. The captain was known as a man of wealth and always carried a good sum of money about him. In going to and from the city he passed through a covered bridge which crossed the Otter Creek. While walking through this bridge at one time, young Phair, who was concealed above, let fall a large stone from his perch which struck within an inch or two of the captain and evidently aimed to hit him directly on the head.

At another time he is said to have shot at one Henry Thompson of Vergennes, with the design to kill him and, as is supposed, to rob him of a sum of money, which he was known to have in his possession. He was also accused at about that time of pilfering about the town.

¹⁷James Anthony murdered Joseph Green, a merchant of Rutland, 15 February 1814. On 14 April 1814, Anthony committed suicide in his cell in jail.

PLACES

UNIVERSITY OF VERMONT



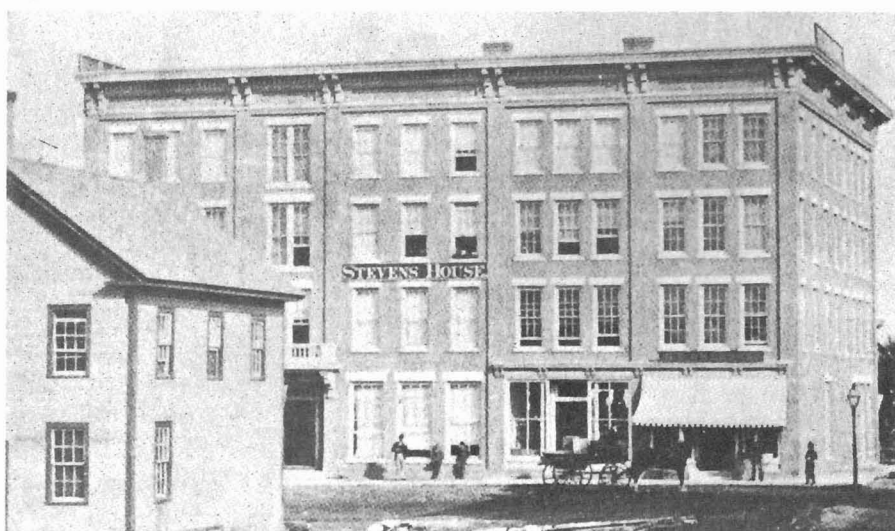
Morse Block or bank building at corner of Center Street and Merchants Row



HISTORICAL RUTLAND

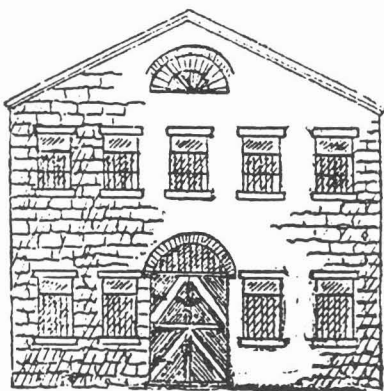
Town Hall at corner of Washington Street and Merchants Row

RUTLAND HISTORICAL SOCIETY



Berwick House, originally called the Stevens House, at corner of Center and Wales Street

GRACE CONGREGATIONAL
UNITED CHURCH OF CHRIST



Jail, on west side of South Main Street



VERMONT HISTORICAL SOCIETY

Courthouse at 83 Center Street

PEOPLE

BOOK OF BIOGRAPHIES: RUTLAND COUNTY



John Abner Mead

VERMONT BIOGRAPHIES



Ebenezer J. Ormsbee

VERMONT BIOGRAPHIES



John W. Stewart

RUTLAND COUNTY COURT



Walter C. Dunton

MEN OF PROGRESS



W. G. Veazey

HISTORY OF RUTLAND COUNTY



Warren H. Smith

HISTORY OF RUTLAND COUNTY



Martin Everts

The principal crime, however, of which he has ever been convicted, was that of grand larceny, the theft of some goods of Mr. C. D. Keeler of Vergennes, when eighteen years of age, which act was proven against him, and the result was he was sentenced to six years at hard labor in the state prison at Windsor. At the end of four years of his term, he was pardoned by Governor Hendee for good conduct while in prison.

A man who resides in town was up to the jail on Sunday, saw Phair and tells another bad story about him. This man states that to his best knowledge and belief, Phair is the same party who was arrested for murder at Cohoes, N.Y., two years ago. The case was that a woman and her child were found in the Hudson River and in such condition that led to the belief that they were murdered and a man, whom this man affirms must be Phair, was arrested for murder, but finally discharged for lack of evidence to hold him.

In summing up this most important and somewhat mysterious case, our community may well congratulate itself on the prompt steps which have been taken by its own officers and citizens in following all possible clues, and also in the important results, thus far obtained. All who have interested themselves in the case have worked with a will, and the alacrity with which the proofs, already obtained, have been discovered is only equaled by the most expert detectives.

Chief of Police Crawford has all the glory of what may come out of the arrest, while Policemen Matthews and Stearns and Deputy Thornton have shown themselves very vigilant and entitled to much credit. The two latter are under many obligations to the Boston officers who assisted them so liberally in their search.

Tuesday 16 June 1874

On Monday at 9 a.m. the testimony of Mr. Abrahams, the pawnbroker of Boston was taken before Justice H. W. Porter together with other testimony in relation to the articles recovered which formerly belonged to the murdered Mrs. Freese. Hon. Martin G. Everts conducted the prosecution for the state; Col. W. G. Veazey as counsel for the defense.¹⁸

Myer Abrahams was sworn and testified as follows:

I am twenty-five years old, reside in Boston. I am a broker at No. 18 Salem Street. I recognized John P. Phair, the prisoner. I saw him on Tuesday, the 9th last, at about 5:30 p.m. He came into my store and asked me if I took pawns. I told him I did. He then showed me a watch and chain which he wished to pawn. I asked him how much he wanted on it. He replied \$40. I examined the watch and told him I could not give him more than \$30 on it. He said he could not take that. His sister and two children were stopping at the Adams House and he could not get home on less than \$40. Finally he concluded to take \$35 and I gave it to him. We had quite a conversation

¹⁸Col. Veazey was a member of the law firm of Dunton and Veazey. He was a decorated veteran of the Civil War.

for a few minutes. He did not want to leave without a ticket for the watch. He said he would send for it when he got home. I told him to send the ticket through the express office. He was in the store about 10 minutes. We always put on our books the number, name, age and amount loaned. He had on a light coat, shirt collar without necktie; the shirt front a trifle dirty. I saw the same man yesterday, and readily recognized him. I recognize the countenance and dress as I saw him then. His voice was something the same. I did not receive any pawn during the week from any person who resembled this man. We take particular notice of strangers who leave anything in pawn. That is my habit. I recognized the man in jail when he was with other persons. He gave his name as E. F. Smith.

Under redirect, Mr. Abrahams said: "Phair pawned the watch for four weeks, but said he would pay in three weeks. I enter all articles pawned. There is a city ordinance which requires it, and I was licensed under that law. He did not give his age. I estimated him at 32."

Mrs. N. C. Dunn was then called and sworn by Justice M. G. Everts. She testified as follows: "I reside in New York City. I am a step-sister of Mrs. Freese. I knew her to have a shawl like the one produced. There was a stain on the shawl when bought. The stain on this is similar, but I cannot positively say it is the same. She bought it three years ago last winter, as a second-hand shawl, in New York. It was bought under its value on account of the stain. The shawl was bought in my house. I was present. She bought it of a neighbor. I have not seen it since that time till yesterday."

Policeman Stearns then testified that he got the watch of Mr. Abrahams, at No. 18 Salem street, Boston, on Saturday afternoon. He got the shawl at the Adams House. He had kept them ever since.

Mr. J. C. Thornton testified that he had heard the testimony of Stearns and concurred therein. He had gone to Vergennes for the purpose of securing the other half of the shawl from the girl, Dora Wilson, and will continue on to Elizabethtown, N. Y., where other evidence concerning the prisoner is expected to be discovered.

Wednesday 17 June 1874

No new developments of startling importance in the Freese murder case can be chronicled this morning, in addition to what has already transpired. The case seems still to occupy the first place in the minds of the community at large, and is the subject of comment on every hand. The opinions expressed vary somewhat, despite the unfavorable look which the case now has for the prisoner, Phair. Much is known to depend upon what may yet be brought to light before his examination on Friday next.

The prisoner himself seems visibly affected by the turn which his case has taken, and has but little of that bravado which was noticeable in his manner at the time of his arrest. Two of his acquaintances in town visited him in his dungeon yesterday, and were struck by his altered appearance. It appears that he is breaking

down under the load which he has been made to carry during the past few days. He looks haggard, pale and far from self-possessed. This cannot be wondered at, whether he be innocent or guilty, when such fearful evidence of guilt is discovered and traced directly to him. He makes but little conversation, and evidently intends to keep steadfast to the statements that he has made.

Mr. J. C. Thornton returned yesterday from his voyage of discovery and investigation at Vergennes and Elizabethtown, N.Y. He brought back the other portion of the shawl, which he procured of Dora Wilson at Vergennes, and which is the exact counterpart of the half which was found at the Adams House, Boston. This leaves no doubt as regards the ownership of the shawl. Mr. Thornton found nothing against the prisoner at Elizabethtown which would be considered of much importance, in addition to what was already known. Phair was expected at Elizabethtown, at about the time of his arrest, with money to pay on a note against himself and mother, which was due at this time. The payment has not been made, however, and Phair has sent no money there. His mother-in-law at that place is one of the most respected citizens. The sister is now in Providence, R.I., visiting other relatives of the prisoner.

Mr. Thornton started for Providence last night, as it is determined to leave no stone unturned, which may possibly lead to any important discoveries.

Thursday 18 June 1874

The discoveries of the officials are continuing, and every day brings something new in the investigation into the guilt of the prisoner, Phair. Policeman Stearns succeeded on Tuesday in securing an additional shawl, which formerly belonged to Mrs. Freese, at another pawnbroker's shop, and opera glasses which were pawned by the man calling himself, "E. F. Smith". The articles had been satisfactorily identified as the property of the murdered woman.

It now remains to discover any of the money, which is thought must have been secured by the robber and murderer. Strong efforts are being made to trace the same. Mr. Thornton is at present in Providence, and is to visit a half-sister of Phair. The prisoner has also an own sister at Paterson, N.J., engaged in teaching.

We understand that the payment Phair was expected to make at Elizabethtown, N.Y., amounted to some \$500.

Friday 19 June 1874

The examination of John P. Phair is to be held at the jail beginning at 9 a.m. It will be before Justice H. W. Porter, Ex-Gov. Stewart of Middlebury, and Hon. W. C. Dunton are counsel for the prisoner. Mr. Stewart, we understand, was Phair's counsel with E. J. Phelps, Esq. of Burlington, when he was

charged with an attempt to kill Captain Hall of Vergennes, and the prisoner was then acquitted. Conjectures are rife that the counsel for the respondent will waive an examination this morning, which will carry the case over to the September term of the county court. There are to be numerous witnesses prepared to testify in the case, who will be present should the prisoner stand trial. We learn that a little daughter of Mr. Keenan, who resides in the house which stood next to the residence of Mrs. Freese, says that she saw a man in the house with Mrs. Freese on Monday, the day which preceded the night of the murder, and it is thought that the girl may be able to tell the man she saw, should he be brought before her again.

Messrs. Thornton and Stearns arrived at 1:40 a.m. from Boston and Providence, where they have been investigating in the case of Phair, and will be prepared to attend the examination this morning.

Saturday 20 June 1874

On Friday at 9 a.m. John P. Phair was taken from his close confinement in the Rutland County jail, handcuffed, and in charge of Deputy Geo. W. Crawford, Deputy T. P. Smith of Castleton, Deputy H. O. Perkins and Policeman Matthews under direction of Hon. William M. Field, sheriff of the county, escorted by these officers, first to the county court house, and from there to the Town Hall for examination and the continuance of testimony in the coroner's inquest, before Hon. Martin G. Everts as a justice of the peace.

On arriving at the Town Hall, Phair waived an examination, whereupon Justice Everts held him for the crime of murder without bail, and placed his bonds at \$10,000 for the crime of arson, also fixed the bonds at \$2,500 for the crime of larceny.

After this formal proceeding was concluded, it was thought best that he should be identified and recognized, if possible, by the pawnbroker, clerk and porter of the Adams House, Boston, and the office boy of the broker, who accompanied officers Thornton and Stearns from Boston on Thursday night and who were already seated in the hall with some four hundred persons who had assembled to listen to the examination.

Presently, officers Crawford and Perkins entered with the prisoner, who had been placed with eight others, among whom were Michael Quinn, Richard Spaulding, John Caden, C. H. Matthews, Frank Auberton, John Q. Ryan.¹⁹ All were seated in a row of chairs in the northeast part of the hall. Justice Everts took each of the witnesses, separately, and led them by the row, they giving no

¹⁹Michael Quinn resided at 27 Washington Street, worked in a livery stable; Richard Spaulding, 26 Woodstock Avenue, worked as a lumberman; John Caden, 4 Freight Street, worked as a laborer; C. F. Matthews, 37 Forest Street, worked as a carpenter and John Q. Ryan, 36 Washington Street, was a stove dealer.

sign of evidence as to the recognition of Phair, but all subsequently stated in their testimony that they identified him as he sat in the chair among the others.

After this ceremony the prisoner was taken to the platform and seated, surrounded by the officers, the handcuffs having been removed before he was brought before the witnesses for identification. Justices M. G. Everts and Henry W. Porter and reporters also occupied the platform during the inquest.

The examination of the witnesses was conducted by Hon. M. G. Everts, Col. W. G. Veazey taking the notes, which were signed and sworn to by the several witnesses. The main object of the continuance of the inquest, after the waiver on the part of the prisoner, was the preservation of the testimony of the several parties, for use in the county court, at the time of the formal trial. The first witness called was John Donavan, Jr., clerk of the Adams House, Boston.

After being sworn, John Donavan, Jr., testified,

I reside in Boston and am clerk of the Adams House. 'E. F. Smith' signed his name on the hotel register at our house at five p.m. or later. I should think the man here was the man, but should not swear to it. I have seen him brought in here between two officers which led me to think he was the prisoner, but I should not swear that he was the man at our house. That man had light clothes, light hat and dark band. I had seen his picture before coming here. The clothes he has on correspond in color only with the clothes the man Smith had on. I did not notice the quality aside from the color. That man took room No. 61.

I cannot say whether he went to the room immediately after registering his name or not. I do not know who went with him to his room. I remember seeing him once during the evening after he first came, which would make twice that I saw him. He did not pay his bill to me. I remember his coming in late in the evening and going past the office up to his room. A shawl like this one (here the shawl was shown the witness) was brought from room No. 61 and delivered at the office. I delivered it to Mr. Stearns' son and he carried it away. Messrs. N. S. Stearns and J. C. Thornton were present when I delivered it. It was first brought to me the day before. Stearns came before we heard of the murder. This is our register (producing the book) at the Adams House. The last name on the page under the date of June 9th, is the one he signed. He was the man who occupied room No. 61, opposite his name. He arrived in season for tea. This man had a small black bag, an ordinary square black bag. I could not recognize it. James Doran delivered this shawl to me. He is porter of the hotel. He told me that in looking for a comb and brush he found the shawl in a wardrobe, on an upper shelf, in room No. 61. It is my judgment that this is the man; I mean the prisoner, Mr. Phair, but would not swear to it. I recognize the shawl by a stain upon it. I noticed it was a half shawl. It was a black half shawl with a border. Women are never assigned to this room 61, unless we are crowded. It is a small single room. It is sometimes used in connection with a large room by women. I should say it has not been lately occupied by women. I do not know how this wardrobe stands in the room, but have seen it stand against the door leading into the large room, and that door could not be opened without moving the wardrobe.

The next witness was the pawnbroker, James G. Pierce. He testified: "I reside in Boston, at No. 1 Stoddard Street. I keep a clothes cleaning establishment for repairing and dyeing clothes, and keep a pawn-broker's shop."

A copy of the agreement between the pawn-broker and Smith was then produced, dated Boston, June 10, 1874,

\$10.00 One week after date I promised to pay J. G. Pierce the sum of ten dollars, with interest, and have deposited as security for same, a silk and worsted shawl and a pair of opera glasses, which I agree to forfeit to the said Pierce, in case I fail to pay the above sum on or before the day specified in this agreement, without further notice.

E. F. Smith, St. Albans, Vt.

10 a.m.; age 26; No. 1459

I received the articles mentioned in the above paper signed, 'E. F. Smith' at 25 Howard Street, which is my place of business. The articles named therein are a silk and worsted shawl and a pair of opera glasses. I received the articles on the date, June 10th, 10 a.m., named on the paper, which is the agreement with the person who pawned said articles. The person making the agreement signed this paper. This shawl produced looks to be the same shawl. It was taken from my store in my absence. The opera glasses produced are the same ones pawned. They have every appearance of being the same. They were taken away at the same time the shawl was. The man who pawned these articles was a medium-sized man and wore a moustache and goatee. He wore light mixed clothes as near as I can remember. I thought the hat was darker than the other clothes, but I don't recollect distinctly about that. I don't remember about the hat band. He said there was a young lady at the Adams House that lived in the country and wanted to get home, and had got out of money. I don't recollect as he told me what part of the country. I hardly ever ask where a lady belongs. He was requested to state his residence, and he told the clerk. This paper was made out by the clerk, except the signature. I did not see the name written across this paper, but this is the name of my clerk. I saw a man after he pawned these articles standing on the corner of Court and Howard Streets, and spoke to him. Then I saw this man who pawned these articles going around the corner of Howard Streets and Tremont Row, and I said, 'What do you think of that man, Smith, with the carpet bag on his arm, dressed in gray or mixed?' He said, 'That man with a bag on his arm?' I replied it was. He asked me what I wanted to know for. I may not say the precise words. I said a remark had been made that he was a sharper.²⁰ He replied he was either a state of Maine or Vermont sharper, and he was no worse than a city sharper, if he was a sharper. He had the same bag when he was at my store. The thing that led me to ask this question was our conversation in the store when he came in he asked me to lend him \$10 on this shawl. I told him I would lend him \$5 on the shawl. Then he produced the opera glasses, and asked if I would lend him \$10 on the whole. I said I had sold such opera glasses as those when new for \$10, and that I would lend him \$10 for the two. Then he said if I had any such opera glasses new for \$10 he would buy them of me. I told him I had none for sale then. Then he said the girl would probably pay for these things in a week or two after she got home, and if she did not he would

²⁰A sharper is a swindler.

take out the opera glasses himself for her. Then I gave him the money and the clerk filled out the ticket and he signed it. After he passed out, a man standing by, by the name of Livingston, said that he knew how to get all that the goods were worth; that he was a trader, and that he never would take them up, in his opinion. I said that he might and might not. Then I asked my clerk what he thought of him. He said he thought he was a sharper. Then I walked out on the street with Livingston and had a little more talk about the matter, and this was what led to my talk with him, as I above stated. I can't tell how long he was in the store; it might have been ten minutes and it might have been less or more. He did not loiter about the shop. He took the articles from his valise—shawl from one side and glasses from the other side. This looks to be the man. I recognized him down in the chair with the others, unless there are two men who are facsimiles of each other. I should say this is the man. I have no doubt now he is the man. I don't like to say I could not be mistaken. (Phair's hat was put on). In my mind he is the man. This man does not look quite as clean about the neck and face, as that man did not look quite as smooth. I don't remember whether he had a necktie on or not. I look at a man's face more than clothes when he is making a pawn. I had a picture of a man shown to me before I came here, and it looked like the man who pawned the goods, only his moustache and whiskers looked darker in the picture. My boy John is here. He is a chore boy in the store."

The next witness was the boy, John Nolan, who, at length strengthened and affirmed his father's testimony.

At this point the examination was suspended and the Boston parties returned on the mail train at noon. The prisoner, Phair, was then handcuffed and taken back to jail by Officer Crawford.

The large crowd of spectators was present in the morning, but they could only sit and look at the prisoner and keep up a constant buzzing, for they could surely hear none of the testimony, for amid the ringing of engine bells and locomotive whistles, and the incoming and outgoing of visitors, it was next to impossible even for the magistrate and reporters to hear the replies to the interrogatories made by the witnesses.

At 8 p.m. the inquest was continued before Justice M. G. Everts at his office in Morse block. There were present Justice Everts, States Attorney Ormsbee, Col. W. G. Veazey, Officers Thornton and Stearns, the witnesses and a few spectators.

The principal purpose of this assembling was the taking of the statement of Dora Wilson of Vergennes who, during the winter, had been a companion of—and a boarder at the house of Mrs. Freese, the murdered woman—which seemed important in recognizing the property already found and ascertaining as to the valuables probably yet missing. After a preliminary statement by Miss Wilson, it was concluded to take her formal testimony, also that of Mrs. Davis, the mother of the murdered woman, Mrs. Keenan, her nearest neighbor, and Mary Delphi, an intimate acquaintance.

Dora A. Wilson, testified that she was 20 years old and resided in Vergennes.

She was acquainted with Mrs. Ann Freese, and boarded there from the 5th day of January 1874 until the last week of March. She had examined the two pieces of the shawl and recognized the part having the spot on it as belonging to Mrs. Freese. She herself had the other part. Mrs. Freese cut it in two parts and gave her one because Mrs. Freese said Dora would wear it more than she would. [The shawls were put together by officer Stearns and found to match]. Dora assisted in cutting and hemmed it herself. Mrs. Freese took the part having the stain upon it but there were evidences of the blemish upon Dora's shawl on the edge. She kept her shawl until she delivered it to J. C. Thornton. She stated that Mrs. Freese had a gold watch with black enameled back and purple middle with five diamonds, three of which were broken out. She also had a watch chain and a key which was in the form of a cross and on occasion was a key for winding the watch. She had spoken of having the other two diamonds taken out. She recognized the watch case as that of Mrs. Freese, which she kept on top of the bureau in her room. The watch she kept in the second drawer of the bureau in the room she occupied, which was the front room upstairs. The bed stood in the recess in the back of the room on the south side of the house. The entrance to the room was through a door from the hall. There was only one door entering the room. There was another room upstairs which had never been finished, which was used as a lumber room, the entrance to which was through a door opposite Mrs. Freese's room.

A wine cupboard stood at the head of the stairs. She had an axe or a hatchet which Dora did not know if it was used for splitting wood. She never knew of her having a razor or a razor case in the house. An instrument was shown the witness which she thought might have originally been a jack knife or an apple knife, although she had never seen her have one. She had never seen an instrument of the kind, but would have been very apt to have seen it or a razor if Mrs. Freese had one in her possession. She had only a small pen knife, and had never seen her have any other. Mrs. Freese had told her she kept most of her money in the bank. She, however, frequently had money, which she kept in a wallet, which at night she put under a mattress beneath her head. She had six silver teaspoons with the name of A. E. Stover marked thereon, also three silver tablepoons.

Miss Wilson testified she had never seen Phair before today when he entered the court house. He was pointed out to her by Mary Delphi. She recognized him, also, because he was handcuffed. She would have known the axe or hatchet used by Mrs. Freese if she saw it.

She stated that Mrs. Freese had two or three rings—one a chased ring, another a cameo stone ring, and the other a pearl ring with garnet setting. She had no other watch chain than the one attached to her watch, to her knowledge. No other lady made Mrs. Freese's house her stopping place while Dora Wilson was stopping there. Miss Wilson stated that she did not know that there was any such person as this Mr. Phair previous to this occurrence.

Mrs. Freese also had a set of diamond earrings and a cluster pin with seven diamonds. She kept her jewelry in the second drawer of the bureau with her watch.

She first learned of the particulars of Mrs. Freese's death in the *Rutland Herald* on Thursday, June 11th, but she had first heard of it from the conductor on the accommodation train, on the Wednesday afternoon previous, between Vergennes and Middlebury.

The next witness was Mrs. Catherine B. Davis, mother of Mrs. Freese. She had seen the shawls together. Annie had told her she had cut the shawl in two and had given Dora Wilson one-half. She knew the watch because it was different from her own or any she had been accustomed to see. Annie had remarked to her that "she intended to have her watch put in the coffin with her when she was buried." She had seen the new shawl on her, but had never examined it. When Annie first told her of the new purchase she remarked, "Mother, I am ahead of you. I have a fifty-dollar shawl." Mrs. Davis first saw the opera glasses on the Thursday previous to Annie's death, when she was visiting her with an aunt. As she was not accustomed to see them, Annie showed her how to use them, and fixed them so she could see an object. She last saw her in the depot on Wednesday, where she went with Mrs. Eggleston, an aunt of Mrs. Freese and cousin, Mrs. Potter, of Galesville, Washington County, New York, who had been on a visit to her. They accompanied the visitors to the depot to see them on board the train for home. This was the last time she ever saw her daughter as there was some mistake at the train. She bade the relatives goodbye and did not remain until the train went. She supposed her daughter did. She testified that Mrs. Freese's silverware was marked A. E. Stover, and consisted, so far as she had any knowledge, of six silver teaspoons, two dessert spoons, a sugar shovel, salt spoon, three new and three old plated silver forks. She had no knowledge of her having large silver spoons. If she had, Mrs. Davis might not have known it. She had no knowledge of her having a pistol in her possession. If she had one, she dare not use it or shoot it. Mr. Freese had a razor before he died, but she did not know what had become of it. She never saw any instrument in her possession like the one produced in court. She could not swear as to the identity of the lost shawl.

The next witness was Mrs. Nancy Keenan. She resided within 30 or 40 feet of Mrs. Freese's dwelling house. She was at Mrs. Freese's occasionally, but Mrs. Freese was more frequently at her house. She was in at Mrs. Freese's house the Monday before the murder somewhere from 10-10:30 a.m. The last time she saw her was about 11 a.m. She took no particular notice of the house that day, although she was near it frequently, as she was washing and had to go to Mrs. Freese's cistern for water, on the south side of the house.²¹ Mrs. Freese told her she expected to be at home that day. The house was very quiet all the day.

She noticed the back shed door was open, and when that was open she knew Mrs. Freese was home. She did not see any person go or come from there that day. She heard someone talking there and did not go in after her first visit. She sent her little girl over about noon, and she said Mrs. Freese had company. She saw three gentlemen go there on Sunday, and knew they did not gain admittance.

²¹A cistern is a receptacle for storing water.

She saw her go out on Saturday with a gentleman that she rode off with on the Thursday previous, in a carriage. She went up town in the morning, on Saturday. She had heard of Phair going to Mrs. Freese's house. On Thursday, when she rode away, she stepped to the window to see the gentleman. He was dressed in light-colored clothes. She did not notice his hat. She noticed his coat was light-colored. Her attention was called to the gentleman by Mrs. Hart. Mrs. Freese always spoke of this gentleman as a friend of hers, but never told her his name. She never saw him, only on these two occasions. She heard no noise or disturbance on Monday. She first discovered the fire at 6:20 a.m. Mrs. McCarty, another neighbor, rang the bell, but no response. They found the back door open, and all went in and looked for her. Her hat hung on the hat rack, and they knew she must be in the house. Mrs. Keenan went up stairs as far as she could go, to within two or three stairs from the top. she did not see the body or the bed fall down. She was at home, anxious about her own house because of the fire. She did not see the body after the fire.

Mrs. Freese went to the circus on Saturday evening. She was at home during the afternoon and went about dark. She saw the gentleman who went out with her, but never saw anyone go there after the gentleman called. There was someone there on Sunday, for she heard them talking in the house. The three gentlemen who called on Sunday were well-dressed and good appearing persons.

The next witness was Mary Delphi. She resides in Rutland. She saw the before-mentioned shawl at her own house offered for sale by a pedlar. She told him it was a sham shawl.²² Mrs. Freese came to her house a week before she died to have her read a letter for her. She wore that shawl and said she gave \$10 for it.

The pedlar was a tall, pale-looking gentleman with a black side-beard, black curly hair. She never saw the opera glasses, but heard her speak of them. She never saw her watch. She noticed that the fringe was tied. She thought the shawl with the spot on it belonged to Mrs. Freese.

The testimony has extended to such length that the lawyers conducting the inquest were compelled to omit further comment other than to say that the evidences now enveloping Phair are so complete that there is no hope of escape for him, and facts yet to be brought out will only make more positive the evidences of his guilt.

Mr. Thornton made a trip to Providence, R.I., on Wednesday last to ascertain, if possible, whether Phair went there in his absence, as he stated to a representative of *The Globe* in his statement made the next day after his arrest. Mr. Thornton found a sister of the prisoner, named Eliza A. Mudge, living in that city, whose husband was a chaplain in the army, and who is herself a highly esteemed lady. Mrs. Mudge stated to Mr. Thornton that Phair was not at her house during the week in which the murder occurred, and that if he had been in that city he would have certainly called to see her.

²²A sham shawl probably was an imitation shawl.

The whereabouts of Phair, from the time of the murder until his arrest, is satisfactorily accounted for by the officers who have been on his track. He went to Boston from Rutland on Tuesday at 4:40 a.m., arriving there at 2:20 p.m. He went to the Adams House soon after arriving in the city, registered his name as "E. F. Smith, St. Albans, Vt.," went out of the hotel to Abrahams' pawnshop on Salem Street, where at 5:30 p.m., according to Abrahams' testimony, he left the watch to pawn, receiving therefore \$35. The next morning he was at the pawn-broker shop of Mr. Pierce, on Howard Street at 10 a.m., where he left the shawl and opera glasses in pawn and received \$10. That afternoon he took the 5:30 p.m. train for Rutland, and was arrested at Cuttingsville by Chief of Police Crawford. In this case, he could have had no time to go to Providence, as he states he did.

The main question now to be decided is, where the money, which he received for the goods pawned, has gone to? He had only a few dollars with him when arrested, while another question, which vexes the minds of those who have followed the matter up so closely, is whether any money was taken from the house of Mrs. Freese and, if any money was taken, to find where it is hidden.

Some of the best judicial minds, who have become acquainted with the case in all its developments, make bold to say that enough evidence is already had upon which to lawfully render a verdict of murder against Phair, should there be no conflicting evidence raised to rebut it.

Thursday 25 June 1874

Messrs. Stearns and Thornton have again returned from Boston bringing with them more of the missing property which formerly belonged to the murdered Mrs. Freese, and still more proof against the prisoner, John P. Phair. These men arrived in Rutland on Wednesday morning, and the result of their investigation in Boston the day before, are laid this morning before the readers of *The Globe*. The discoveries are very important to the case and are especially interesting even after so much evidence has already been accumulated and the minds of the people, as a general thing, so settled as to the criminal who did the deed.

It appears that on Tuesday Mr. Thornton, who was assisted by Mr. Charles W. Skelton, a detective of Boston, pursued his investigations through the pawnbroker shops and jewelry stores, and came to the jewelry store of Mr. C. A. Voigt, at No. 3 LeGrand street. The proprietor, on ascertaining what they were after, put them in possession of facts which led to the discovery of three finger-rings sold by Phair while he was in Boston, the day after the murder. As the testimony of Mr. Voigt shows, a man whom he identifies as Phair came to his store and offered the rings for sale. Mr. Voigt, suspecting that the man had stolen them, would not take them, but told him he could obtain money on them at a pawnbroker's across the street. Mr. Voigt then went with Mr. Thornton to the shop of S. Ehrlich, 502 Washington Street, where the rings were found and were at once identified by the son of Mr. Stearns as those which were formerly worn by Mrs. Freese, as he had descriptions of them in his possession. Mr. Voigt also

selected them from the show case as the same that Phair had offered him for sale. Mr. Voigt came to Rutland with Messrs. Thornton and Stearns, and gave his testimony. The Masonic ring was purchased by Mrs. Freese at the jewelry store of Bailey & Parmenter, of this place, last winter.²³ The shop of Ehrlich had been visited by Thornton and Stearns twice before, during their investigations there since the murder, at each of which visits the proprietor had stated that nothing of the kind had been left there. As the rings were sold and not pawned, the books of the proprietor did not show the transaction.

On Wednesday forenoon several witnesses who had been brought from Boston, with others, appeared at the office of Hon. Martin G. Everts and gave their evidence before him. The testimony of Messrs. Livingston and Smith is very conclusive as to the identity of Phair with the man who pawned the shawl and opera glasses at Pierce's pawnshop, while that of Dora Wilson and of Mrs. Davis, the mother of the murdered Mrs. Freese, establishes the fact that the rings found in Boston were the property of the late Mrs. Freese.

There are still numerous facts of interest which are worthy of mention in relation to the prisoner Phair's past history and in regard to his intimacy with the murdered woman which have not, heretofore, been published. It is stated on reliable authority that the first really criminal act which he committed was when he was quite a boy. He followed home, one night, a Dr. Huntington, a then well-known and wealthy druggist in Vergennes, with the intention of robbing the doctor of the contents of a small tin trunk, which he always carried home with him from the store at night. On this occasion the Doctor laid his trunk, which contained considerable money, in the hall and went into his supper. Young Phair followed him into the house, seized the trunk and fled. He was, however, caught and, on account of his extreme youth probably, was let off with a simple reprimand. It is also stated that not long after that he attempted to decoy another man of some wealth from his home in that city, one night, by writing him a letter, signing it by the name of a certain Mrs. Sterry, whose money this gentleman had charge of, asking him to bring some \$1,500 to her that night as she wanted to leave town at 10 p.m. The man, however, suspected something was wrong and did not go, knowing that the lady was not in the habit of sending for so large a sum. He investigated the matter next day and it was proved conclusively that young Phair had written the note, with the evident intention of waylaying the old gentleman and getting possession of the money.

After being pardoned from State's Prison, Phair, it seems, made professions of reform, saying that he had resolved to lead a new life. He was then at Elizabethtown, N. Y., where his mother then lived, and by steady habits won the confidence of the people, became converted and joined the Baptist Church. His mother soon after removed to Vergennes with the intention of living there and keeping John at home. But John soon became restless for new scenes, came to Rutland against the wishes of his mother, and went to work for Mansfield

²³Bailey and Parmenter had a jewelry store at 17 Merchants Row.

& Stimson. Since then his family had heard but little of him, until this murder occurred, and his arrest as the alleged perpetrator of the deed.

We learn that the week before the murder took place, Phair and Mrs. Freese drove over to Poultney on a pleasure trip, where they stopped at one of the hotels to dine. On coming away Phair stated to the landlord that he had come away in such haste that he had forgotten to take any money with him. He would send the amount when he returned to Rutland. On the return they stopped at Castleton and took tea at the Bomoseen House. Here the same trick was played. Phair had no money and the bill was left unpaid. Neither bill has ever been settled. Those, who have opportunities for knowing something of his circumstances believe that Phair had no money at that time and was forced to resort to these measures.

There is still no trace of the money which Mrs. Freese was known to have had in her possession at the time of the murder. Whether it will ever be found by the officers who have so successfully followed up the matter or whether, at some future time, the prisoner will himself divulge the secret and make a full confession of his connection with the atrocious affair; time alone must tell.

Saturday 27 June 1874

The inquest in the case of the murder of Mrs. Freese was continued on yesterday afternoon before Hon. Martin G. Everts. It is the intention of the officials in charge of the matter to pursue the case as far as necessary and put on record every item of testimony which can be obtained bearing upon it. The public have up to the present time, been kept fully posted through the newspaper of every thread in the web which has been winding around the prisoner since his arrest. Whenever any testimony upon the other side is given, it will receive the same publicity. The seriousness of the case alone makes it one eminently worthy of the most careful vigilance and investigation, as is well known to the paper's readers. The officials have done their utmost to follow it to the best of their ability.

Yesterday afternoon, the testimony of J. W. Von Nieda was taken before Judge Everts and it is given in substance as adding another batch of facts in the case.²⁴ Mr. Von Nieda testified that on the night of the arrest of Phair, the witness got on the night train coming north of Fitchburg. John P. Phair, whom the witness knew very well, came into the smoking car, where he was, from another car on the train. The witness told Phair of the murder of Mrs. Freese. Phair said he had not heard of it, and expressed his surprise. The witness showed him a copy of the *Boston Journal* of that day, containing a telegraphic dispatch from Rutland announcing the murder. Phair, after reading it, said that the man who did it "ought to be hung fifteen times." The witness and Phair sat together most of the way to Keene, N.H. Phair played euchre with other parties some of the way. At Keene, Phair offered the witness fifty cents to get some lunch. Phair pulled out his pocket-

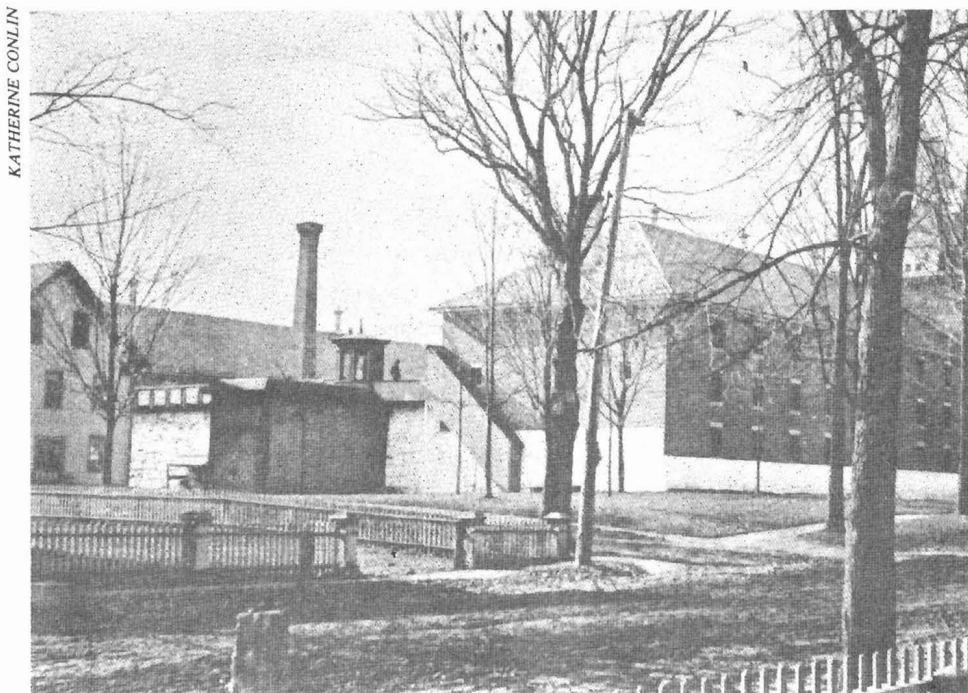
²⁴J. W. Von Nieda was a Rutland Printer.

book and handed him a fifty-cent scrip. The witness saw a roll of bills in another portion of the wallet. He could not say how large a roll, but should judge it a small quantity of money. Arriving at Bellows Falls the witness and Phair got out and walked up and down the platform, while waiting for the train, and talked over the murder. Phair seemed nervous while playing euchre and all the time afterwards. After getting on the train at Bellows Falls the witness soon separated from Phair and at Cuttingsville saw Phair arrested by Chief of Police Crawford. As was stated at the time of the arrest, no wallet was found on the prisoner when arrested, and but three or four dollars in money.



On Tuesday, 29 September 1874 John P. Phair was tried in Rutland for the crimes of murder, robbery and arson. His trial continued until Saturday evening 3 October 1874. At this time the jury reached a verdict of guilty on all charges. John Phair never took the stand in his own defense, although he steadfastly proclaimed he was innocent. Phair was sentenced to be hanged on 6 April 1877.

After a number of appeals and delays involving the State Legislature, John P. Phair was executed by hanging on 10 April 1879 at the State Prison at Windsor. A final statement issued by Phair continued to proclaim his innocence.



Windsor Prison

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